

REMARKS/ARGUMENTS

Claim Amendments

The Applicant has amended no claims. Applicant respectfully submits no new matter has been added. Claim 6 was added on the last response and the Examiner did not address the allowability of this claim. The Applicant will assume for the purposes of completeness that the claim 6 system claim is rejected for the same reasons as claim 1. Accordingly, claims 1-3 and 5-6 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 103 (a)

Claims 1-3 and 5 (and 6) stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ernani et al (hereinafter Ernani) (US 6097951) in view over Brudos, et al. (hereinafter Brudos) (US 6505050). The Applicant respectfully traverses the rejection of these claims.

As provided in MPEP § 2143, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. **Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations (MPEP 2143).** In that regard, the Applicant respectfully submits that the Examiner's two references still fail to teach or suggest each and every element of the presently pending independent claims.

"... rejecting said second secondary communication control entity to said control procedure and instead communicating directly by said communication control entity with the mobile communication device of which said given call communication is being controlled via an access control entity connected to said primary communication control entity without utilizing any secondary communication control entity as a relay." (emphasis added)

The Applicant respectfully asserts that the Ernam reference and the Brudos reference, either individually or in combination, fail to provide the above missing limitation.

As described previously, the Applicant's invention relates to a method of controlling a communication control entity. The communication control entity acts as a primary communication control entity and is a part of a pool of communication control entities. When the primary communication control entity receives a request for adding a new secondary communication control entity (relay) to the overall control procedure, the primary control entity determines whether the requested new secondary communication control entity is a part of the pool or not. If it is a part of the pool, then the primary communication control entity establishes a direct connection to the access part without using another communication control entity (see abstract and page 10, line 32- page 11, line 2 of the Applicant's specification).

As noted previously, the Ernam reference introduces an additional feature of a dispatcher MSC, a "special switch" which is modified and used in a pool of MSCs. Ernam discloses that the pool of MSCs communicate with a base station system through the special dispatcher MSC (see col. 6, lines 7-20 and FIG. 5). The dispatcher MSC is a resource broker which controls which entities within the MSC pool will handle the call.

The Examiner stated that Ernam discloses the primary communication control entity rejects the second secondary communication control entity and communication with the mobile communication device via an access control entity. The Applicant respectfully disagrees. In Ernam, the dispatcher MSC is used between the pool of MSCs and the BSS and merely acts as a resource broker, which distributes mobile subscribers among a pool of MSCs. The Applicant's invention does not use any type of special switch to distribute the subscribers with the MSCs. The primary control entity of the Applicant's invention is one of the pool of MSCs, rather than a separate entity (i.e., a dispatcher MSC) controlling all of the MSCs in the pool as disclosed in Ernam.

The Ernam reference also does not teach communicating directly without utilizing any secondary communication control entity as a relay and the Examiner cites the Brudos reference as supplying that missing limitation. The Applicant has reviewed the cited portion of the Brudos reference and respectfully submits that the missing limitation is not disclosed. Further, the Applicant reviewed the Description of Brudos and it does not appear that Brudos discloses the missing limitation elsewhere in the specification.

Furthermore, under MPEP § 2142, "[i]f the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness." It is submitted that the Brudos patent does not provide the missing claim limitations. Thus, the combination of Ernam and Brudos do not teach all of the claim elements. Consequently, the Office Action does not factually support a prima facie case of obviousness. The Applicant, therefore, respectfully requests that the rejection of claims 1, 5 and 6 be withdrawn.

Claims 2 and 3 depend from claim 1 and recite further limitations in combination with the novel elements of claim 1. Therefore, the allowance of claims 2-3 is also respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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